

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

In the Office Action, the Examiner indicated that claims 9-10 and 26-27 would be allowable if rewritten in independent form. Applicants gratefully acknowledge the indication that claims 9-10 and 26-27 contain allowable subject matter. By means of the present amendment, claims 9 and 26-27 have been written in independent form, where only the features of claim 1 have been included in claim 9. It is respectfully submitted that amended claim 9 is in allowable form, since claim 8 has been rejected as being unpatentable and thus its features should not affect patentability of amended claim 9. Further, amended claim 9 includes features similar to allowable claim 26. It is respectfully submitted that amended claims 9 and 26-27 are in allowable form and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claim 10 should also be allowed at least based on its dependence from independent claim 9.

In the Office Action, claims 1-7 and 16-23 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 6,028,626 (Aviv). Further, claims 12-13 and 28-29 were rejected

under 35 U.S.C. §103(a) as being unpatentable over Aviv. Moreover, claims 8, 11, 14, 24-25 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aviv in view U.S. Patent Number 6,628,835 (Brill). In addition, claims 15 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aviv in view of NMSU Police Department (NMSU).

In response, claims 6 and 22 have been canceled without prejudice and their features incorporated into independent claims 1 and 16. Further, claims 3, 12, 19 and 28 have been amended and written in independent form. It is respectfully submitted that claims 15, 7-8, 11-21, 23-25 and 28-31, as amended, are patentable over Aviv, Brill and NMSU for at least the following reasons.

Aviv is directed to a surveillance system having a camera, means for sampling movement of an individual, and means for comparing the sampled movements with known characteristics of movements indicative of criminal intent. Column 9, lines 23-37 is cited in rejection claims 6 and 22. A careful reading of Column 9, lines 23-37 indicates that a single alarm is generated in response to the comparison results (column 9, lines 23-24).

There is no teaching or suggestion in Aviv of notifying an alert code selected a plurality of alert codes or notifying a

plurality of alert codes corresponding to a severity level of the behavioral pattern associated with the recognized suspicious, as recited in independent claims 1 and 16.

Column 5, lines 15-19 of Aviv is cited in rejecting claims 3 and 19, which teaches activating a camera in response to an alert signal from an "audio/word recognition processor when sensing a suspicious event." The cited section of Aviv does not teach or suggest observing the behavior using at least one sensor located on a shopping cart, as recited in amended claims 3 and 19.

Column 5, lines 55-67 of Aviv is cited in rejecting claims 12 and 28, where it is acknowledged that Aviv is silent about recognizing that a particular shopper is carrying a bag, as recited in amended claims 12 and 28. It is alleged that, since Aviv teaches a zoom capability, then it would have been obvious to zoom and focus on objects other than people.

Assuming, arguendo, that this allegation is proper, it is respectfully submitted that focusing on a bag is different from having a shopper carrying a bag to be one of the predetermined patterns, as recited in amended claims 12 and 28. This feature is nowhere taught or suggested in Aviv.

Brill and NMSU do not remedy these deficiencies in Avis.

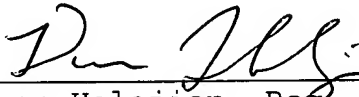
Accordingly, it is respectfully submitted that independent claims 1, 3, 12, 16, 19 and 28 be allowed. In addition, it is respectfully submitted that claims 2, 4-5, 7-8, 11, 13-15, 17-18, 20-21, 23-25 and 29-31 should also be allowed at least based on their dependence from independent claims 1, 12, 16, 19 and 28.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments  
to Deposit Account No. 14-1270.

Respectfully submitted,

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